

REMARKS

Claims 1-20 were originally filed in the present application.

Claims 1-20 were previously cancelled.

Claims 21-40 were rejected in the March 23, 2006 Office Action.

No claims have been allowed.

Claims 21, 28 and 34 have been amended herein.

Claims 21-40 remain in the present application.

Reconsideration of the claims is respectfully requested.

In the June 6, 2006 Advisory Action, the Examiner considered Applicant's May 23, 2006 Reply, but deemed that the Reply did not place the application in condition for allowance. Applicant respectfully disagrees and offers the following in response.

First, the June 6, 2006 Advisory Action is silent with respect to the claim objections cited in Section 1 of the March 23, 2006 Office Action. Some of the objections were based on antecedent basis informalities and others were based on the claim limitation "capable of". Applicant will assume that these objections have been overcome and will not readdress these issues herein.

Second, the June 6, 2006 Advisory Action is also silent with respect to the previous §102(b) and §103(a) rejections cited in the March 23, 2006 Office Action, but instead simply states that U.S. Patent No. 6,167,270 to *Rezaiifar, et al.* (the "Rezaiifar reference") teaches a handoff of a high speed packet data call on a supplemental channel from source base station to a target base station during said high-speed data call. The Examiner goes on to assert that "the term 'soft handoff' is well-

understood to be used for 'during a transmission'." This assertion by the Examiner is unclear. Regardless, Applicant disagrees with the Examiner's interpretation of the Rezaiifar reference. The Rezaiifar reference fails to teach *handing off the supplemental channel* from a source base station to a target base station during a high speed packet data call, as required by the claims of the present application. Instead, the Rezaiifar reference teaches *handing off the high speed packet data call* from a supplemental channel of a source base station to a supplemental channel of a target base station.

Although supplemental channels can be assigned and reassigned at any time by a base station, it was not possible to hand off a supplemental channel to another base station before the present application. In fact, previous existing systems required that the data service was slowed down or even dropped in a hard handoff. Thus, a supplemental channel had to be re-established to complete the data service. The Rezaiifar reference is no exception. For example, the Rezaiifar reference discloses performing data transmission over supplemental channels and goes on to teach that the data rates used on the supplemental channel are transmitted to the receiving base station by signaling on the control channel. Rezaiifar reference, column 8, lines 55-67. Thus, the Rezaiifar reference seeks to eliminate the need for a receiving base station to dynamically determine the data rate of the supplemental channel. *Id.* The Rezaiifar reference goes on to teach that the inter-cell Δ power levels may be used to assign different rates to each of the carriers, but *fails* to teach a source base station capable of handing off said supplemental channel to said target base station during said high speed packet data call. *Id.* at column 13, lines 38-39. Accordingly, the Rezaiifar reference, at most,

discloses a system to efficiently hand off a data call on a first supplemental channel to a second supplemental channel. The Rezaiifar reference does not teach *handing off supplemental channels*.

Third, Applicant will assume that the Examiner has maintained each rejection in the March 23, 2006 Office Action that cites the Rezaiifar reference in support. Applicant respectfully disagrees with the Examiner's interpretation of the Rezaiifar reference, and will not readdress the individual §102(b) and §103(a) rejections at length herein. Instead, Applicant refers the Examiner to Applicant's May 23, 2006 Reply for its arguments in support of the withdrawal of the rejections cited against the present application. Applicant, however, includes a summary of these rejections and Applicant's arguments in support of the withdrawal herein.

In Section 2 of the March 23, 2006 Office Action, the Examiner rejected Claims 21, 22 and 28 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,167,270 to *Rezaiifar, et al.* (the "Rezaiifar reference"). Applicant respectfully disagrees as discussed above. Accordingly, the Rezaiifar reference fails to disclose, for example, a source base station capable of handing off said supplemental channel to said target base station *during said high speed packet data call*, as required by amended independent Claim 21 and its dependant, Claim 22. Similarly, the Rezaiifar reference fails to disclose a method comprising the step of *handing off a high speed packet data call* from said source base station to said target base station on said supplemental channel, as required by amended Claim 28. Accordingly, Claims 21, 22 and 28 are patentably distinguishable over the art cited and are thus allowable.

In Section 3 of the March 23, 2006 Office Action, the Examiner rejected Claims 23 and 29 under 35 U.S.C. § 103(a) as unpatentable over the Rezaiifar reference as applied to Claim 22 above and in view of U.S. Patent Publication No. 2002/0141370 to *Arbol* (the “Arbol reference”). Applicant respectfully disagrees as discussed above.

In addition, the Examiner cites to the Arbol reference solely for activating a non-retransmission mode of Radio Link Protocol (RLP) in the source base station and in the target base station. The Arbol reference discloses a very narrow system directed to establishing a connection that supports multiple grades of services with a single IP address assigned to the mobile station by converting data packets into byte streams suitable for transmission through Radio Link Protocol (RLP) connections. The Arbol reference, paragraph [0013]. Although the Examiner suggests that the motivation to combine the Arbol reference with a reference for using channel structure for use in communication systems in which there are two sets of physical channels, one for forward link and another for reverse link, to facilitate communication of a variety of logical channels (the Rezaiifar reference) lies in minimizing transmission delay. Applicant respectfully disagrees.

The Rezaiifar reference, either taken alone or in combination with the Arbol reference, fails to teach or disclose a source base station capable of handing off said supplemental channel to said target base station *during said high speed packet data call*, as required by independent Claim 21 and its dependant, Claim 23. As also shown above, the Rezaiifar reference fails to disclose a method comprising the step of *handing off a high speed packet data call* from said source base station to said target base station on said supplemental channel, as required by Claim 28, and its dependant, Claim

29. Moreover, there is no motivation or suggestion within the Rezaiifar reference or the Arbol reference to prompt one of ordinary skill to selectively and non-inventively combine and then *seek out* still other elements as required by cancelled Claims 23 and 29. Accordingly, Claims 23 and 29 are patentably distinguishable over the art cited and are thus allowable.

In Section 4 of the March 23, 2006 Office Action, the Examiner rejected Claims 24, 25 and 30-33 under 35 U.S.C. § 103(a) as unpatentable over the Rezaiifar reference in view of U.S. Patent Publication No. 2002/0147020 to *Iguchi, et al.* (the "Iguchi reference"). Applicant respectfully disagrees as discussed above.

Claims 24 and 25 ultimately depend from allowable Claim 21 and are thus also allowable. Similarly, Claims 30-33 ultimately depend from allowable Claim 28 and are thus also allowable. In addition, the Iguchi reference discloses a system for setting channels of variable bandwidths, such as a supplementary channel, in a mobile communication system. The Iguchi reference, ¶ [0013]. However, the Rezaiifar reference, either alone or in combination with the Iguchi reference, fails to teach or disclose, for example, fails to teach or disclose a source base station capable of handing off said supplemental channel to said target base station *during said high speed packet data call*, as required by independent Claim 21 and thus Claims 24 and 25. Similarly, the Rezaiifar reference, either alone or in combination with the Iguchi reference, fails to disclose or teach a method comprising the step of *handing off a high speed packet data call* from said source base station to said target base station on said supplemental channel, as required by Claim 28 and thus Claims 30-33. Moreover, there is no motivation or suggestion within the Rezaiifar reference or the Iguchi reference

to prompt one of ordinary skill to selectively and non-inventively combine and then *seek out* still other elements as required by Claims 24, 25 and 30-33. Accordingly, Claims 24, 25 and 30-33 are patentably distinguishable over the art cited and are thus allowable.

In Section 5 of the March 23, 2006 Office Action, the Examiner rejected Claim 26 under 35 U.S.C. § 103(a) as unpatentable over the Rezaiifar reference in view of the Iguchi reference as applied to Claim 24 and in further view of U.S. Patent No. 6,947,398 to *Ahmed, et al.* (the “Ahmed reference”). Applicant respectfully disagrees as discussed above.

Claim 26 ultimately depends from allowable Claim 21 and is thus also allowable. In addition, the Ahmed reference discloses a system for addressing a packet-based multi-access mobile communications system by using a protocol layer above a medium access control (MAC) protocol layer and a physical protocol layer of the system and below a transport/network protocol layer. The Ahmed reference, column 3, lines 56-62. However, the Rezaiifar reference, either alone or in combination with the Iguchi reference and the Ahmed reference, fails to teach or disclose, for example, fails to teach or disclose a source base station capable of handing off said supplemental channel to said target base station *during said high speed packet data call*, as required by independent Claim 21 and thus Claim 26. Moreover, there is no motivation or suggestion within the Rezaiifar reference, the Iguchi reference or the Ahmed reference to prompt one of ordinary skill to selectively and non-inventively combine and then *seek out* still other elements as required by Claim 26. Accordingly, Claim 26 is patentably distinguishable over the art cited and is thus allowable.

In Section 6 of the March 23, 2006 Office Action, the Examiner rejected Claim 27 under 35 U.S.C. § 103(a) as unpatentable over the Rezaiifar reference in view of the Iguchi reference and the Ahmed reference as applied to Claim 26 and in further view of U.S. Patent No. 5,329,635 to *Wadin, et al.* (the “Wadin reference”). Applicant respectfully disagrees as discussed above.

Claim 27 ultimately depends from allowable Claim 21 and is thus also allowable. In addition, the Wadin reference discloses a system for seamless handoff in second generation cordless telephones by monitoring the received signal strength indicator (RSSI). The Wadin reference, column 1, lines 10-17 and column 2, lines 56-57. However, the Rezaiifar reference, either alone or in combination with the Iguchi reference and the Wadin reference, fails to teach or disclose, for example, fails to teach or disclose a source base station capable of handing off said supplemental channel to said target base station *during said high speed packet data call*, as required by independent Claim 21 and thus Claim 27. Moreover, there is no motivation or suggestion within the Rezaiifar reference, the Iguchi reference or the Ahmed reference to prompt one of ordinary skill to selectively and non-inventively combine and then *seek out* still other elements as required by Claim 27. Accordingly, Claim 27 is patentably distinguishable over the art cited and is thus allowable.

In Section 7 of the March 23, 2006 Office Action, the Examiner rejected Claims 34-38 under 35 U.S.C. § 103(a) as unpatentable over the Rezaiifar reference in view of the Abrol reference, Iguchi reference, Ahmed reference and the Wadin reference. Applicant respectfully disagrees as discussed above.

The Rezaiifar reference, either alone or in combination with the Abrol, Iguchi reference, the Ahmed reference and the Wadin reference, fails to teach or disclose, for example, a method for *handing off a high speed packet data call* from said source base station to said target base station, said method comprising *handing off a high speed packet data call from said source base station to said target base station on said supplemental channel*, as required by amended Claim 34, and its dependents, Claims 35-38. Moreover, there is no motivation or suggestion within the Rezaiifar reference, Abrol reference, Iguchi reference, Ahmed reference or the Wadin reference to prompt one of ordinary skill to selectively and non-inventively combine and then *seek out* still other elements as required by Claims 34-38. Accordingly, Claims 34-38 are patentably distinguishable over the art cited and are thus allowable.

In Section 8 of the March 23, 2006 Office Action, the Examiner rejected Claims 39 and 40 under 35 U.S.C. § 103(a) as unpatentable over the Rezaiifar reference in view of the Abrol reference, Iguchi reference, Ahmed reference and Wadin reference as applied to Claim 34 and further in view of IS-95 CDMA and cdma2000 textbook by Garg (the "CDMA reference"). Although the Examiner cites to Claim 14 in page 16 of the March 23, 2006 Office Action, Applicant will assume this was in error and that the Examiner meant to refer to Claim 34. Applicant respectfully disagrees as discussed above.

Claims 39 and 40 ultimately depend from allowable Claim 34 and are thus also allowable. In addition, the CDMA reference discloses sending a handoff request during soft handoff setup. The CDMA reference, FIGURE 10-8. However, the Rezaiifar reference, either alone or in combination

with the Abrol reference, the Iguchi reference, the Ahmed reference, the Wadin reference or the CDMA reference, fails to teach or disclose, for example, a method for *handing off a high speed packet data call* from said source base station to said target base station, said method comprising *handing off a high speed packet data call from said source base station to said target base station on said supplemental channel*, as required by amended Claim 34, and thus Claims 39 and 40.

Moreover, there is no motivation or suggestion within the Rezaiifar reference, Abrol reference, Iguchi reference, Ahmed reference, the Wadin reference or the CDMA reference to prompt one of ordinary skill to selectively and non-inventively combine and then *seek out* still other elements as required by Claims 39-40. Accordingly, Claims 39 and 40 are patentably distinguishable over the art cited and are thus allowable.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

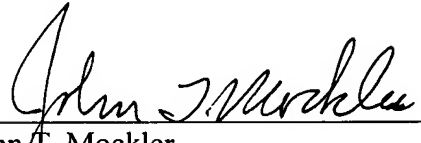
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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